

# Exhibit 16

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                                   |   |                  |
|-----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, ET AL., | ) |                  |
|                                   | ) |                  |
| Plaintiffs,                       | ) |                  |
|                                   | ) | CV No. 20-3010   |
| vs.                               | ) | Washington, D.C. |
|                                   | ) | May 12, 2022     |
| GOOGLE LLC,                       | ) | 3:00 p.m.        |
|                                   | ) |                  |
| Defendant.                        | ) |                  |
| _____                             | ) |                  |

TRANSCRIPT OF  
STATUS CONFERENCE VIA ZOOM PROCEEDINGS  
BEFORE THE HONORABLE AMIT P. MEHTA  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

|                     |   |
|---------------------|---|
| For DOJ Plaintiffs: | Kenneth M. Dintzer<br>U.S. DEPARTMENT OF JUSTICE<br>1100 L Street, NW<br>Washington, D.C.<br>(202) 307-0340<br>Email:<br>kenneth.dintzer2@usdoj.gov |
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|-------------------------------------|--|
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Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription

1 P R O C E E D I N G S

2 COURTROOM DEPUTY: Good afternoon, Your Honor.

3 This is Civil Action 20-3010, United States of America,  
4 et al., versus Google LLC.

5 Kenneth Dintzer for the DOJ plaintiff.

6 Jonathan Sallet for the Colorado Plaintiffs.

7 And John Schmidtlein on behalf of defendant.

8 And, Your Honor, you're currently muted; sorry  
9 about that.

10 THE COURT: All right. How about now?

11 COURTROOM DEPUTY: Now we can hear you. Thanks.

12 THE COURT: Okay. Great. Good afternoon,  
13 everybody. I hope everybody is well.

14 So we are here on what I hope will be an  
15 auspicious status conference to mark the end of fact  
16 discovery. And so, you know, even before we get started,  
17 let me just say to counsel and to the parties generally, you  
18 know, this has been a long road, and I recognize that it  
19 hasn't been a road free of bumps and bruises, and certainly,  
20 I'm sure, there are more of those that you have than are  
21 actually visible to me.

22 But, nevertheless, I really do want to commend  
23 everybody, not just the counsel on this call but everyone  
24 that's involved in this case. And, you know, really, this  
25 is a Herculean task to have done as much as you have in the

1 I said, there was a very high percentage of them that were  
2 clearly privileged, another large-percentage category that  
3 it's hard for us to tell but certainly seemed like  
4 good-faith privilege assertions. But I'd like to have some  
5 degree of satisfaction that that's been done for everything  
6 in this category.

7 MR. SCHMIDTLEIN: Well, Your Honor, I will say  
8 that, candidly, the differences that sort of the lawyers who  
9 are involved, obviously, you know, a collection of 210  
10 documents can be reviewed by lawyers at outside counsel and  
11 who have been involved sort of all the way, steps in the  
12 case --

13 THE COURT: Right.

14 MR. SCHMIDTLEIN: -- the larger group has been  
15 largely re-reviewed by contract lawyers --

16 THE COURT: Sure.

17 MR. SCHMIDTLEIN: -- under -- you know, under the  
18 guidance and instruction of outside counsel, and we have  
19 certainly gone back and sort of tried to refine and improve  
20 that process as we go.

21 So can I sit here and tell you that the same --  
22 the exact identical level of scrutiny given the two sort of  
23 different groups? They're not going to be 100 percent but,  
24 we certainly have tried to make them as close to the same  
25 level of scrutiny as we could.

1 THE COURT: Well, I guess what I'd say is this.  
2 Given the focus and attention of these emails, I mean, I  
3 would like to do -- I do think we ought to, at least I ought  
4 to be satisfied, I think plaintiffs ought to be satisfied,  
5 that the same kind of scrutiny that was devoted to the 210  
6 ought to be devoted the rest of that set.

7 And, you know, I can understand why, perhaps,  
8 greater scrutiny was given to something that was going to be  
9 submitted to the Court, but I think you'd agree that that  
10 ought to not have been the reason why there was this  
11 10 percent as opposed to from the outset.

12 So I think, you know, that's what I'm going to  
13 order Google to do, which is to do -- and I'm not suggesting  
14 that if it's already been re-reviewed, you have to  
15 re-re-review it.

16 But the bottom line being that I'd like to have  
17 some degree of satisfaction that you've gone back to these  
18 16,000 emails and they have been eyeballed in a way that is  
19 consistent with the 210. And that to the extent those  
20 records need to be de-privileged and produced, I'm going to  
21 order Google to do that, okay?

22 MR. SCHMIDTLEIN: Thank you, Your Honor.

23 THE COURT: All right.

24 All right. Is there anything else -- do we have a  
25 date for -- is there anything else we need to take up before

1 we set our next date?

2 MR. SALLET: No, Your Honor.

3 MR. SCHMIDTLEIN: No, Your Honor.

4 MR. DINTZER: Nothing here, Your Honor.

5 THE COURT: Okay.

6 Your deadline for expert reports is June the 6th.

7 Can I ask you all to do the following? Can I ask  
8 you to hold 3:00, if you're available, both on June the 16th  
9 and 17th?

10 MR. SALLET: Yes, Your Honor.

11 MR. DINTZER: Yes, Your Honor.

12 THE COURT: Just because I'm starting a  
13 January 6th trial on the 10th. It should be over by the  
14 16th, but it may not be. So I just want to try and leave a  
15 little bit of flexibility there.

16 And as we get closer in time, I can pin down which  
17 of those two days it's going to be. And if you all would  
18 just submit something by June the 14th as a status update to  
19 the extent there are issues that need to be summarized and  
20 brought to my attention.

21 And then insofar as the issues we talked about  
22 earlier today, you know, after you all meet and confer, and  
23 if you all want to let me know by Monday or Tuesday of next  
24 week what you've decided in terms of a deadline and in  
25 the -- a deadline for production and a deadline for motions

1 to compel, just let me know and I can enter that order onto  
2 the docket, okay?

3 MR. SALLET: Will do, Your Honor.

4 MR. DINTZER: Thank you, Your Honor.

5 THE COURT: All right.

6 Anything else from either side?

7 MR. SALLET: No.

8 THE COURT: All right.

9 Thank you, everyone. I know this is a long slog  
10 and I can only -- I keep telling my clerks, I can only  
11 imagine what it's like for the lawyers in this case.

12 But I really am grateful at your professionalism  
13 and how -- you all have worked quite cooperatively. And  
14 I know there's undoubtedly a great deal of stress and some  
15 conflict when it's not in front of me, but, nevertheless, I  
16 think given the scope of this case, and not only the scope  
17 but what's at stake, what's been presented to me for  
18 resolution has actually been quite modest, and so I  
19 appreciate that.

20 All right. Thank you, all. We'll see everybody  
21 in a month. Obviously if you need me sooner, you know where  
22 to find me.

23 (Proceedings concluded at 4:44 p.m.)  
24  
25



C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Please note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of court reporting remotely.

Date: May 12, 2022



William P. Zaremba, RMR, CRR